

# EXHIBIT 1

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

- - -

CORY SPENCER, an individual, )  
DIANA MILENA REED, an )  
individual; and COASTAL )  
PROTECTION RANGERS, INC., a )  
California non-profit public )  
benefit corporation, )

Plaintiffs, )

vs. )

No. 2:16-cv-02129-SJO (RAOx)

LUNADA BAY BOYS; THE )  
INDIVIDUAL MEMBERS OF THE )  
LUNADA BAY BOYS, including )  
but not limited to SANG LEE, )  
BRANT BLAKEMAN, ALAN )  
JOHNSTON, MICHAEL RAE )  
PAPAYANS, ANGELO FERRARA, )  
FRANK FERRARA, CHARLIE )  
FERRARA, and N.F.; CITY OF )  
PALOS VERDES ESTATES; CHIEF )  
OF POLICE JEFF KEPLEY, in his )  
representative capacity; and )  
DOES 1-10, )

Defendants. )

Deposition of STEVEN BARBER, taken on behalf  
of Plaintiffs, at 19200 Von Karman Avenue, Fourth Floor,  
Irvine, California, commencing at 10:35 a.m., Thursday,  
June 22, 2017, before Denise J. Pagano, CSR No. 7233.

A P P E A R A N C E S

FOR THE PLAINTIFFS:

HANSON BRIDGETT LLP  
BY: KURT A. FRANKLIN, ESQUIRE  
425 Market Street  
26th Floor  
San Francisco, California 94105  
(415) 777-3200  
E-mail: kfranklin@hansonbridgett.com

CO-COUNSEL FOR THE PLAINTIFFS:

OTTEN LAW, PC  
BY: VICTOR J. OTTEN, ESQUIRE  
3620 Pacific Coast Highway  
Suite 100  
Torrance, California 90505  
(310) 378-8533  
E-mail: vic@ottenlawpc.com

FOR THE WITNESS:

MASTAGNI HOLSTEDT, APC  
BY: KEVIN A. FLAUTT, ESQUIRE  
3400 Inland Empire Boulevard  
Suite 101  
Ontario, California 91764  
(909) 476-3560  
E-mail: kflautt@mastagni.com

FOR THE DEFENDANTS, CITY OF PALOS VERDES and CHIEF OF POLICE  
JEFF KEPLEY:

KUTAK ROCK LLP  
BY: EDWIN J. RICHARDS, ESQUIRE  
5 Park Plaza  
Suite 1500  
Irvine, California 92614  
(949) 417-0999  
E-mail: edwin.richards@kutakrock.com

A P P E A R A N C E S (CONTINUED.)

FOR THE DEFENDANT, SANG LEE:

LEWIS BRISBOIS BISGAARD & SMITH LLP

BY: TERA A. LUTZ, ESQUIRE

633 West 5th Street

Suite 4000

Los Angeles, California 90071

(213) 680-5004

E-mail: [tera.lutz@lewisbrisbois.com](mailto:tera.lutz@lewisbrisbois.com)

CO-COUNSEL FOR THE DEFENDANT, SANG LEE:

BOOTH, MITCHELL & STRANGE LLP

BY: JACKIE VU, ESQUIRE (PRESENT VIA TELECON)

707 Wilshire Boulevard

Suite 4450

Los Angeles, California 90017

(213) 738-0100

E-mail: [jkvu@boothmitchel.com](mailto:jkvu@boothmitchel.com)

FOR THE DEFENDANTS, FRANK FERRARA and CHARLIE FERRARA:

BREMER WHYTE BROWN & O'MEARA LLP

BY: TIFFANY L. BACON, ESQUIRE

20320 S.W. Birch Street

2nd Floor

Newport Beach, California 92660

(949) 221-1000

E-mail: [tbacon@bremerwhyte.com](mailto:tbacon@bremerwhyte.com)

FOR THE DEFENDANT, ANGELO FERRARA and DEFENDANT N.F.  
appearing through Guardian Ad Litem, LEONORA FERRARA:

LAW OFFICES OF MARK C. FIELDS, APC

BY: MARK C. FIELDS, ESQUIRE (PRESENT VIA TELECON)

333 South Hope Street

35th Floor

Los Angeles, California

(213) 948-2349

E-mail: [fields@markfieldslaw.com](mailto:fields@markfieldslaw.com)

A P P E A R A N C E S (CONTINUED.)

FOR THE DEFENDANT, BRANT BLAKEMAN:

VEATCH CARLSON, LLP  
BY: RICHARD P. DIEFFENBACH, ESQUIRE  
1055 Wilshire Boulevard  
11th Floor  
Los Angeles, California 90017  
(213) 381-2861  
E-mail: rdieffenbach@veatchfirm.com

CO-COUNSEL FOR THE DEFENDANT, BRANT BLAKEMAN:

BUCHALTER NEMER, APC  
BY: ROBERT S. COOPER, ESQUIRE (PRESENT VIA TELECON)  
1000 Wilshire Boulevard  
Suite 1500  
Los Angeles, California 90017  
(213) 891-0700  
E-mail: rcooper@buchalter.com

FOR DEFENDANT, MICHAEL RAY PAPAYANS:

HAVEN LAW  
BY: PETER T. HAVEN, ESQUIRE (PRESENT VIA TELECON)  
1230 Rosecrans Avenue  
Suite 300  
Manhattan Beach, California 90266  
(310) 272-5353  
E-mail: peter@havenlaw.com

1 IRVINE, CALIFORNIA; THURSDAY, JUNE 22, 2017; 10:35 A.M.

10:35

2 -o0o-

3 STEVEN BARBER,

4 having first been duly sworn, was

5 examined and testified as follows:

6 EXAMINATION

7 BY MR. FRANKLIN:

8 Q Sergeant Barber, we haven't had the opportunity for  
9 me to introduce myself to you. I'm Kurt Franklin. I'm one  
10 of the lawyers for the plaintiffs in the matter, Spencer  
11 versus Lunada Bay Boys, City of Palos Verdes Estates, et al.  
12

13 A Fine.

14 Q You've just been sworn in by the court reporter,  
15 and so I want to go over some of the rules with you real  
16 quick.

10:36

17 Have you ever been deposed before?

18 A Yes, I have.

19 Q Was it in a civil matter or a criminal matter?

20 A It was a civil matter.

21 Q How many civil matters have you been deposed in?

22 A One time before.

23 Q And what was that civil matter?

24 A It was a resident of the City that was suing the  
25 City for disparaging her name from the police department.

1 had rocks and dirt thrown at him.

11:36

2 Q Do you remember about what year that was?

3 A It was while I detective sergeant, 2014 or '15, I  
4 believe.

5 Q And did one of the field officers do the first  
6 encounter, or you did the follow-up, or how did that happen  
7 on that incident?

8 A Yeah, that's what happened.

9 Q And do you remember what the result of that  
10 incident was?

11 A It was -- well, the actual -- the victim could not  
12 identify the suspect in the case, so it was closed.

13 Q There would be a report generated somewhere related  
14 to that incident, though?

15 A Correct.

11:37

16 Q Have you had any -- I guess the lightest contact  
17 that -- before a report -- before someone's detained --

18 A Uh-huh.

19 Q -- have you had those types of contacts that were  
20 surfing-related over your 20 years that's not a detained?

21 A Oh, yeah.

22 Q And how often has that happened?

23 A Not very often.

24 Q Do you remember any of them?

25 A I remember long ago when I was an officer, I had

1 A I'm sure.

12:08

2 Q Do you know if the Ferraras have ever made a  
3 donation?

4 A I have no idea if the Ferraras have.

5 Q How about someone named Charlie Mowat?

6 A Charlie probably has made a donation in the past.  
7 He's a resident.

8 Q Do you know Mr. Mowat?

9 A Yes, I do.

10 Q And do you know him permanently?

11 A I do.

12 Q And how do you know him personally?

13 A I've probably gotten to know Charlie just over the  
14 years of seeing him around in the city. He went to -- he's  
15 a local guy. He went to Palos Verdes High School, went to  
16 Margate Intermediate. He's a pilot. Just become friendly  
17 with him over the years. Nice guy, and so I consider  
18 Charlie a friend.

12:09

19 Q Okay.

20 A Yeah.

21 Q And does -- consider him a friend, does that mean  
22 family vacations and that type of thing?

23 A Nothing like that; not that close, no.

24 Q Okay. But over to his house for events and that  
25 type of thing?



1 A I have been, yes.

12:10

2 Q Okay. Barbecues?

3 A Yes.

4 Q Poker?

5 A No, never played poker with Charlie.

6 Q Is there -- do any of the officers play poker with  
7 any of the residents, do you know?

8 A No, not that I know of, no.

9 Q How about -- do you know if Brant Blakeman has made  
10 any donations to the POA?

11 A I'm not sure if Brant has or not.

12 Q How about his wife? Would you know if she's made a  
13 donation?

14 A Like I said, I can't remember the last time I  
15 actually looked at a list of who donated.

12:10

16 Q And I'm going to ask about a few -- how about  
17 Mr. Papayans? Do you know the Papayans family?

18 A I do.

19 Q And is there a -- there is a Michael more senior  
20 Papayans. Do you know that person?

21 A Yes.

22 Q Do you know if he's ever made a donation?

23 A Like I said, I don't know.

24 Q Do you recall any other donations by any  
25 individuals?

1 it or to a private entity or --

12:34

2 A That would be normally how we would do things.

3 Q To another police department first?

4 A If they're available and can do it, yes. And we  
5 usually ask for permission through, you know, a captain or a  
6 sergeant from their department.

7 Q And are there -- in terms of the evidence, is there  
8 a -- if a phone -- is there a chain of custody log that goes  
9 to another department where --

10 A Of course, yes.

11 Q And then it gets locked up by whomever that is that  
12 takes receipt of it on the other end?

13 A Yes.

14 Q As you sit here today, you don't know what happened  
15 in those -- N.F.'s phone in particular from that day?

12:35

16 A I do not, no.

17 Q Is there a rule at Palos Verdes Estates where  
18 officers are not permitted to bring their cell phones into  
19 the field, personal cell phones?

20 A Personal cell phones? No.

21 Q Do officers bring their personal cell phones into  
22 the field?

23 A Yes, they do.

24 Q Is there -- how do officers -- do -- have you ever  
25 received a text from another officer in the field?

1 MR. FLAUTT: Vague and ambiguous as to how? What 12:36  
2 phone?

3 BY MR. FRANKLIN:

4 Q On your personal phone?

5 A Yes.

6 Q And how often might you receive a text from another  
7 officer when he or she is in the field or you are in the  
8 field?

9 A It could be a couple times a day.

10 Q Do you have the cell phone numbers of the other  
11 officers available to you?

12 A Yes, I do. Not all.

13 Q Is there a -- what type of -- what type of personal  
14 phone do you have that might go into the field?

15 A My personal cell phone? 12:37

16 Q When I say what type, is it an Apple or --

17 A It's an Apple iPhone.

18 Q Do you know what -- kids know better than me --  
19 what?

20 A Oh, what type it is?

21 Q Yes.

22 A 6S Plus.

23 Q Okay. And do you -- do you carry that into the  
24 field with you virtually every time you go into the field?

25 A Yes.

1 Q And would it be more common for people than not for 12:37  
2 people to bring their personal phones into the field?

3 A It's probably more common.

4 Q Does the City issue a phone available for officers?

5 A They do -- they do issue a phone for certain  
6 positions, and then we do have patrol assigned phones in  
7 case we need to contact a victim or something.

8 Q So your personal phone, they don't get your  
9 personal number when you call? Is that the idea?

10 A No, it's a separate phone from the City that they  
11 issue to us, that they issue to the officer who is out in the  
12 field; so there are two patrol phones and one watch  
13 commander phone that is a City phone.

14 Q So that goes back to the staffing. There is --  
15 each car has a phone -- 12:38

16 A Correct --

17 Q -- in it?

18 A -- that is assigned.

19 Q Okay. And what type of phones are in the patrol  
20 cars when they go out?

21 A Apple, Apple iPhones, and they're old, so I don't  
22 know what kind.

23 Q Something older than 6S?

24 A Oh, yeah.

25 Q How often -- is it more -- because they're old, do

1 officers use their personal phones more frequently than the 12:39  
2 City-assigned phones or --

3 A For only --

4 MR. FLAUTT: Object to the extent it calls for  
5 speculation.

6 Answer if you know.

7 BY MR. FRANKLIN:

8 Q In your experience?

9 A Just for personal calls to family and friends.

10 Q So what would -- so they use their -- they use  
11 their phone for calls to family and friends. Occasionally,  
12 to other officers; is that right?

13 A Which is usually just personal stuff.

14 Q Have you ever texted -- I'll ask you personally --  
15 or have you ever received a text from an officer that might 12:39  
16 be even tangentially work-related?

17 MR. FLAUTT: Object. Vague and ambiguous as to  
18 what it was received on. Was it received on a work phone?  
19 On a personal phone?

20 MR. FRANKLIN: We're talking about his personal  
21 phone.

22 MR. FLAUTT: Okay. Object to the extent that it  
23 violates his privacy rights under the California  
24 Constitution and the U.S. Constitution to his only personal  
25 phone and the contents thereof.

1 BY MR. FRANKLIN: 12:40

2 Q I'm not asking about the contents. I'm asking have  
3 you ever received something --

4 A Related to work?

5 Q Yes.

6 MR. FLAUTT: Vague and ambiguous as to related to  
7 work.

8 Can we get a little bit more definition?

9 MR. FRANKLIN: No.

10 BY MR. FRANKLIN:

11 Q Do you understand what related to work means?

12 MR. FLAUTT: Do you understand?

13 THE WITNESS: It could be a multitude of different  
14 things. I mean, I don't --

15 MR. FLAUTT: For instance, if he's calling in sick 12:40  
16 or somebody else was.

17 MR. FRANKLIN: Well, let's have it related to work.

18 BY MR. FRANKLIN:

19 Q How about related to something you observed in the  
20 field?

21 A No.

22 Q How about related to something where somebody else  
23 observed in the field?

24 A No.

25 Q That's never happened?

1 A Not that I can recall, no. 12:40

2 Q How about coverage issues, covering -- can you  
3 cover my assignment, that type of thing?

4 A Can you cover a shift?

5 Q Yes.

6 MR. FLAUTT: Object to the extent it's not actually  
7 work-related.

8 THE WITNESS: To cover a shift?

9 BY MR. FRANKLIN:

10 Q Yes.

11 A I suppose I've texted somebody if they're available  
12 to work, yes.

13 Q And have you -- have you ever communicated with  
14 Mr. Mowat on your personal phone?

15 A Yes. 12:41

16 MR. FLAUTT: Object to the extent, again, it  
17 violates his privacy rights.

18 BY MR. FRANKLIN:

19 Q That's "yes"? Have you ever communicated with  
20 Mr. Blakeman on your personal phone?

21 MR. FLAUTT: Object to extent it violates his  
22 privacy rights, especially if it's not work-related.

23 THE WITNESS: Mr. Blakeman? Brant Blakeman, no.

24 BY MR. FRANKLIN:

25 Q How about his wife? Have you ever communicated

1 with her?

12:42

2 A No.

3 Q Have you ever communicated with any of the Ferraras  
4 on your personal phone?

5 A No.

6 Q Have you ever communicated with any of the Papayans  
7 on your personal phone?

8 A No.

9 Q Have you ever communicated with Sang Lee on your  
10 personal phone?

11 A No.

12 Q Have you ever communicated with Mr. Delmont on your  
13 personal phone?

14 A Yes.

15 Q Have you ever communicated with any elected 12:42  
16 official at Palos Verdes Estates on your personal phone?

17 A No.

18 MR. FLAUTT: Vague and ambiguous as to elected  
19 official.

20 BY MR. FRANKLIN:

21 Q Have you ever communicated with Joe Bark on your  
22 personal phone?

23 A No.

24 Q And I'm going to run down a list so to make it  
25 quicker in the questioning.



1 A Okay.

12:43

2 Q I'm going to run down a list of people that you  
3 communicated with them on your personal phone --

4 A Okay.

5 Q -- and after I --

6 MR. FRANKLIN: You could have a standing objection.

7 MR. FLAUTT: Okay.

8 MR. FRANKLIN: That's fine.

9 MR. FLAUTT: With regards to the privacy,  
10 obviously.

11 BY MR. FRANKLIN:

12 Q Charlie Ferrara?

13 A No.

14 Q Alan Johnston?

15 A No.

12:43

16 Q Do you know Alan Johnston?

17 A Yes.

18 Q Leonora Buchema?

19 A No.

20 Q Anthony Buchema?

21 A No.

22 Q John Camplin?

23 A No.

24 Q Do you know John Camplin?

25 A I do know John Camplin.

1 BY MR. FRANKLIN:

14:53

2 Q Is that what you would -- undercover operation?

3 A That's normally what a sting is called in  
4 policework.

5 Q Okay.

6 A Timm Browne was the Chief of Police who tried to do  
7 one back in late 1990s.

8 Q Okay.

9 A And then I heard that they tried to do something of  
10 the sort more recently, which I only found out after they  
11 canceled it, so . . . .

12 Q Who did you find out that there had been an  
13 undercover operation from?

14 A From the chief, himself.

15 Q And do you know when he told you about it?

14:53

16 A After it was supposed to go down.

17 Q Do you remember when it was supposed to go down?

18 A Don't recall. I wasn't involved in any of it, the  
19 planning of it.

20 Q Did you communicate with Mr. Mowat about the Diana  
21 Reed and Cory Spencer's lawsuit when it was filed?

22 A No, but I believe he -- he asked me about it, and I  
23 told him that I couldn't talk about it. There is a lawsuit.

24 Q Have you ever seen any chats from Charlie Mowat  
25 related to chats or text messages from Charlie Mowat to --

1 A To me?

14:55

2 Q To others?

3 A No.

4 Q Related to Diana Reed?

5 A I've not seen any from Charlie.

6 Q I'm going to represent to you that there is a  
7 group, MMS, from Mr. Mowat that says something like this:  
8 "My source tells me that a class-action lawsuit in Lunada  
9 Bay is in the works." Let me start this over.

10 This text is at 10:20 a.m. on March -- excuse me.  
11 This text is on Wednesday, March 30th at 9:00 -- a little  
12 after 9:00 a.m., and that's 2016.

13 Charlie Mowat says, quote, "My source tells me that  
14 a class-action lawsuit is in the works against the," quote,  
15 "'bay boys,'" close quote, "and the City of PVE. Probably  
16 that Diana bitch. Watch out for subpoenas. Great time to  
17 be on the low down" -- "down low." Excuse me.

14:56

18 Does that sound like Charlie to you?

19 A I --

20 MR. FLAUTT: Objection. Lacks foundation, vague  
21 and ambiguous.

22 THE WITNESS: -- have no idea.

23 MR. FLAUTT: Calls for speculation.

24 BY MR. FRANKLIN:

25 Q Is it fair to say that you've never talked to

1 STATE OF \_\_\_\_\_ )  
2 COUNTY OF \_\_\_\_\_ ) ss.  
3  
4  
5  
6

7 I, the undersigned, declare under penalty of  
8 perjury that I have read the foregoing transcript, and I  
9 have made any corrections, additions or deletions that I was  
10 desirous of making; that the foregoing is a true and correct  
11 transcript of my testimony contained therein.

12 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_,  
13 20 \_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_.

14  
15  
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17 \_\_\_\_\_  
18 STEVEN BARBER  
19  
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25

REPORTER'S CERTIFICATE

I, DENISE J. PAGANO, CSR. No. 7233, Certified  
Shorthand Reporter, certify;

That the foregoing proceedings were taken before me  
at the time and place therein set forth, at which time the  
witness, STEVEN BARBER, was put under oath by me;

That the testimony of the witness, the questions  
propounded, and all objections and statements made at the  
time of the examination were recorded stenographically by me  
and were thereafter transcribed;


That the foregoing is a true and correct transcript  
of my shorthand notes so taken.

I further certify that I am not a relative or  
employee of any attorney of the parties, nor financially  
interested in the action.

Reading and signing was requested.

I declare under penalty of perjury under the laws  
of California that the foregoing is true and correct.

Dated this 5th day of July, 2017.

  
DENISE J. PAGANO, CSR NO. 7233

